

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

SUNHONG YIM, JAIME OLARTE, and  
JOSE ACUNA, individually and on behalf of  
all other similarly situated,

Plaintiffs,

CASE NO. 1:14-cv-05883

v.

CAREY LIMOUSINE NY, INC., CAREY  
INTERNATIONAL, INC., and DOES 1  
THROUGH 100, Inclusive

Defendants.

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**DEFENDANTS CAREY LIMOUSINE NY, INC. AND CAREY INTERNATIONAL,  
INC.'S RESPONSE TO SUNHONG YIM'S MOTION FOR EXTENSION OF TIME**

Defendants submit this Response to Plaintiff Sunhong Yim's ("Plaintiff Yim") October 29, 2015, letter requesting a thirty day of extension of time (Dkt. No. 59). Although not entirely clear from Plaintiff Yim's letter submission, it appears that he has already identified new counsel but seeks an additional thirty days for that counsel to review the file. Plaintiff Yim's letter only addresses a need to extend the October 30th deadline that the Court established for him to engage new counsel (Dkt. No. 58), but does not request an adjournment of the hearing currently scheduled for November 20, 2015.

Defendants have no objection to Plaintiff Yim having an additional 7-10 days to finalize his selection of counsel, and for that new counsel to enter an appearance. Because the next hearing is not scheduled until November 20, 2015 – three weeks from the date of Plaintiff Yim's letter, and *ten weeks* since Plaintiff Yim's prior attorney moved to withdraw as his counsel – the current timeline still affords Plaintiff Yim and his new attorney more than adequate time to review the file in advance of the hearing. Accordingly, Plaintiff Yim's request should not impact

the date of the November 20th hearing, which would only serve to delay the administration of this fair and reasonable settlement for 259 class members that the parties negotiated over several months.

Notably, the 30 day deadline imposed by the Court only requires Plaintiff Yim to engage new counsel within 30 days (by November 2); it does not require that any other action be taken by that date. Therefore, if Plaintiff Yim is given an additional seven days to engage new counsel, his counsel will still have ten more days before the November 20 hearing to continue to familiarize him/herself with the docket, if needed. And, under the terms of the settlement, Plaintiff Yim (like all other class members) has 45 days from the mailing of class notice to decide whether he will opt out of the settlement. He will, therefore, have ample time to review his options with his new attorney even after the hearing. However, if Plaintiff Yim has already decided to opt-out of the settlement – as he indicated, on the record at the October 2nd hearing, that he had – Defendants would agree to accept his opt-out following preliminary approval.

In sum, Defendants have no objection to a brief extension – of an additional 7-10 days – for Plaintiff Yim to engage new counsel, but request that the November 20th hearing remain as scheduled in order to avoid any unnecessary delays in proceeding with this settlement.

Dated: October 30, 2015

By: s/ Sharon A. Lisitzky  
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NY, Inc. and Carey International, Inc.*

**CERTIFICATE OF ELECTRONIC FILING AND SERVICE**

I hereby certify that on October 30, 2015, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission or Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

**SERVICE LIST**

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*Counsel for Plaintiffs*

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\* Note that Plaintiff Yim did not provide any contact information in his filing. Defendants anticipate that Plaintiff Yim's former counsel, Mr. Schwartz, will forward this submission to him.